

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JONY VALENCIA,

Defendant.

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8:12CR30

ORDER

This matter is before the court on the motion for an extension of time by defendant Jony Valencia (Valencia) (Filing No. 39). Valencia seeks an additional thirty days in which to file pretrial motions in accordance with the progression order and to schedule a pretrial conference. Valencia's counsel represents that government's counsel has no objection to the motion. Upon consideration and for good cause shown, the motion will be granted as set forth below.

IT IS ORDERED:

1. Defendant Valencia's motion for an extension of time (Filing No. 39) is granted. Valencia is given until **on or before April 19, 2012**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 19, 2012, and April 19, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

2. Valencia's request to schedule a pretrial conference (Filing No. 39) is denied without prejudice.

DATED this 19th day of March, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge